



# General Assembly

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## Human Rights Council

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Agenda items 2 and 3

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office  
of the High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

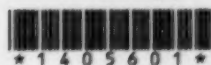
## Summary of the full-day meeting on the rights of the child

### Report of the United Nations High Commissioner for Human Rights

#### *Summary*

The present report is submitted pursuant to Human Rights Council resolutions 22/32 and resolution 25/6, in which the Council requested the United Nations High Commissioner for Human Rights to prepare a summary of the full-day meeting on the rights of the child. The report contains a summary of the discussions held on 13 March 2014 during the annual full-day meeting, the theme of which was access to justice for children.

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## **I. Background**

1. In its resolution 7/29, the Human Rights Council affirmed its commitment to effectively integrate the rights of the child in its work and that of its mechanisms in a regular, systematic and transparent manner, taking into account specific needs of boys and girls. It decided to dedicate, at a minimum, an annual full-day meeting to discuss different specific themes on the rights of the child, including the identification of challenges in the realization of those rights. In its resolution 22/32, the Council decided to focus its 2014 full-day discussion to the theme "Access to justice for children". Also in resolution 22/32, the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a report on that issue and to present it to the Human Rights Council at its twenty-fifth session, to inform the annual day of discussion on children's rights.<sup>1</sup> It also requested the High Commissioner to circulate a summary report of the full-day meeting on access to justice for children. The present report is submitted to the Council pursuant to that request.
2. Since the adoption of resolution 7/29, the Human Rights Council has held a number of thematic discussions on children's rights: "20 years of the Convention on the Rights of the Child: achievements and challenges for its full realization" (at its tenth session); "The fight against sexual violence against children" (thirteenth session); "Protection and promotion of the rights of children working and or living on the street" (sixteenth session); "Children and the administration of justice" (nineteenth session); and "The right of the child to the highest attainable standard of health" (twenty-second session).
3. The annual full-day meeting was held on 13 March 2014, and was aimed at raising awareness of the challenges faced by children in gaining access to justice, reaffirming existing standards and commitments made by Member States to empower children, including those in particularly difficult situations, and highlighting good practices and lessons learned from the work conducted by different actors. The full-day meeting consisted of two panels: one focusing on international norms and standards on access to justice for children, and child-sensitive justice; another devoted to empowering children to claim their rights. The annual day of discussion was chaired by the President of the Human Rights Council.

## **II. International norms and standards on access to justice for children, and child-sensitive justice**

4. The morning panel was moderated by the Head of the Permanent Delegation of the European Union to the United Nations Office at Geneva, Mariangela Zappia. The Deputy High Commissioner opened the panel discussion. A presentation was then made by Child Rights Connect, followed by presentations by the Regional Director for Central and Eastern European and the Commonwealth of Independent States of the United Nations Children's Fund (UNICEF), Marie Pierre Poirier; a member of the Committee on the Rights of the Child, Renate Winter; the Head of Programmes for Defence for Children International in Sierra Leone, Tom Julius Beah; Vice-President and Rapporteur on the Rights of the Child of the Inter-American Commission on Human Rights, Rosa Maria Ortiz; and the Special Representative of the Secretary-General on Violence against Children, Marta Santos Pais.

<sup>1</sup> See A/HRC/25/35.

## A. Opening remarks by the Deputy High Commissioner

5. In her opening statement, the Deputy High Commissioner for Human Rights stated that access to justice for children was at the core of the protection of human rights and an essential prerequisite for the protection and promotion of all other human rights. She explained that access to justice meant that children could obtain fair and timely remedies for violations of their rights, and recalled that, although not explicitly mentioned in the Convention on the Rights of the Child, the right to an effective remedy was recognized as an implicit requirement of the Convention, as shown in general comment No. 5 of the Committee on the Rights of the Child. In order to enjoy access to justice, children must also be able to enjoy other fundamental rights provided in international instruments, including the rights to a fair trial and to have access to information. Children must also have access to the right to be heard and protected from discrimination on any grounds. She highlighted the challenges faced by children in their access to this right, including the complexity of legal systems, the lack of awareness and information, fear of reprisals and stigmatization, social attitudes concerning children, and dependence on support from adults. Certain groups of children also faced additional obstacles in their access to justice, such as children in institutional care, migrant children, children living in extreme poverty and children affected by conflict.

6. At a national level, the Deputy High Commissioner set out two main aspects that need to be considered: the empowerment of children to claim their rights, including awareness of rights, the provision of appropriate information and recognition of the evolving capacity of children; and the ability of national legal systems to accept and address challenges faced by, or on behalf of, children. She suggested that this required child-sensitive procedures that are independent, safe, effective and easily accessible. At the international level, she drew attention to the third Optional Protocol to the Convention on the Rights of the Child, due to enter into force in April 2014. The Committee on the Rights of the Child was currently working on a child-friendly complaint form to allow children to use the complaints procedure and to address their concerns to the Committee directly. She encouraged States to ratify the Protocol.

## B. Statements by panellists

7. The moderator of the discussion, Ms. Zappia, stated that, for rights to have meaning, effective remedies had to be available to address violations. Children's rights were not "mini-rights", but had to be equally protected, with acknowledgement of the additional barriers existing because of their status as children.

8. Ms. Zappia introduced a presentation by Child Rights Connect, in which it outlined the results of a survey of 310 children between 11 and 17 years of age, and from 24 countries, on the justice system. Many children felt that they were not always heard or taken seriously, and that they were often easiest to ignore, as they lacked power. Parents and carers were identified as the primary sources of information concerning access to justice, although 20 per cent of children preferred to seek information from non-family members, who were perceived as easier to talk to and less biased. Many felt that engaging with the justice system would likely expose their families to danger. Respondents stated that they wanted practical support, in the form of advice, guidance, information and, if necessary, an appropriate reference person, such as a teacher, social worker, psychologist, parent or carer. They also wanted to stay informed and be contacted regularly about their case, and stressed the need for a swift justice system, taking into account children's perception of time.

9. Ms. Poirier defined access to justice as the right of individuals to obtain a quick, effective and fair response, to prevent or solve disputes, to control the abuse of power through transparent processes and to have affordable and accountable mechanisms available. Without accountability, human rights instruments, even if widely ratified, had no meaning. She stated that access to justice was a challenge for all children, one that was especially difficult for the most vulnerable. She emphasized that a lack of access to justice was a defining characteristic of poverty. Equitable access to justice implied ensuring that all children were served and protected by the justice system. When accessible to all, the justice system was a powerful means to end abuse and restore entitlements, such as social benefits.

10. Ms. Poirier reported the preliminary findings of a research study initiated by UNICEF in Europe and Central Asia, which indicated that children faced the same barriers as adults in their access to justice – for example, fees, distrust in the system, lack of information, and stigma – but also faced obstacles relating to their status, including a lack of legal standing to participate, or social norms that made it unacceptable or inconceivable for a child to lodge a complaint without parental consent.

11. Ms. Winter stated that “child-friendly” justice was age-sensitive, accessible, speedy, diligent, suited to the rights of the child and supported a child to participate in and understand proceedings. This included not only penal but also civil and social assistance proceedings, covering such diverse cases as asylum seekers, migrant children, rape, abuse and divorce. She stated that she was yet to see a country in which all these standards were met. Ms. Winter cited several individual cases in which children were not protected, had no child-sensitive assistance and had been wrongfully punished. She gave the example of asylum-seeking children separated from their families, who were assisted by an appointed person who knew about the case but not the child, without child-appropriate language or information about the proceedings given to the child, and of children in remote places who had access only to a traditional justice system that did not recognize a child’s rights. She hoped that the World Congress on Juvenile Justice in January 2015 would provide an opportunity to implement what should have already been implemented.

12. Mr. Beah stated that the right to a legal representative was a fundamental human right; although this right was well established for criminal matters, it should not be overlooked in civil matters. While some countries had strong laws, they were not always followed in practice; on the other hand, some countries had good practices that were not enshrined by law. The degree of legal representation varied from country to country; in developing countries, the law often did not provide for representation, and even when it did, there are no qualified lawyers or appropriate resources to fund them. Mr. Beah highlighted the difficulties arising in relation to traditional justice systems that did not recognize international standards, and prioritized community cohesion over the best interests of the child. Countries should ensure procedures and measures for empowering children and families to participate effectively, and enforce laws that already existed.

13. Ms. Ortiz stated that access to justice was a fundamental pillar on which democracy and rule of law rested. Ten per cent of complaints received by the Inter-American Commission on Human Rights were from children, and a large number of them related to lack of access to justice. In the light of the specific bearing that the passage of time has on children, petitions relating to children were expedited. The Commission had a special rapporteur on the rights of children, and had recognized that, to have effective access to justice, children should be afforded free legal advice and their right to be heard guaranteed in accordance with their age and maturity. All decisions made must be grounded in the best interests of the child. It was essential that children, families and communities were empowered with information about rights and channels to report violations. She emphasized the importance of State support for families and communities to be able to care for children responsibly, which would guarantee the effective protection of their rights.

14. The Special Representative of the Secretary-General on Violence against Children emphasized that access to justice was at the heart of the human rights agenda, and was fundamental for sustainable development and good governance. The rule of law and access to responsive justice systems helped to drive development, besides having their own intrinsic value. Countries that had been affected by violence and instability, poor rule of law and weak law enforcement were also those that found it difficult to overcome impunity, and had children at risk of poor health and social exclusion. For children, the justice system was not only complex, but a labyrinth – an unknown universe they could not understand. Access to justice required a system that was well-equipped, had capacity and resources; but it also had to be a system that children understood, felt close to, trusted, that did not threatened them. States needed to have mechanisms for specialized legal aid for children and professional codes of conduct to know how to engage with children.

### C. Plenary discussion

15. During the morning panel, representatives of the following States and organizations took the floor: Yemen (on behalf of the Arab Group), Costa Rica (on behalf of the Community of Latin American and Caribbean States), Senegal (on behalf of the Group of francophone countries), the European Union, the Organization of Islamic Cooperation, Poland, Australia, the Republic of Korea, Thailand, Chile, Belgium, Montenegro, the Republic of Moldova, Qatar, Slovenia, Slovakia, Estonia, Algeria, Austria, Turkey, the Syrian Arab Republic, Italy, France, Paraguay, Cyprus, China, Kuwait, Pakistan and Sierra Leone. Representatives of the following national human rights institutions and non-governmental organizations also took the floor: the Scottish Human Rights Commission, Plan International (in a joint statement), Human Rights Advocates, the National Human Rights Commission of Morocco, the International Institute for Non-Aligned Studies and the Centre for Environmental and Management Studies.

16. During the discussion, delegations expressed their support for the report of the High Commissioner on access to justice,<sup>2</sup> and its conclusion that access to justice for children was a fundamental right and an essential prerequisite for the protection and promotion of all other human rights of children. Children could not have access to justice if they were not empowered. They had to be recognized as rights-holders and able to participate fully in all procedures, in accordance with their age and maturity. The third Optional Protocol to the Convention on the Rights of the Child was highlighted by a number of States as a way of supporting national efforts to guarantee access to justice for children. It was stressed that the promotion and protection of children's rights should be at the core of a national human rights policy.

17. Member States reiterated their view that there was a need to build greater understanding and awareness of children's rights, and emphasized that providing children with knowledge, skills and information was an important element in increasing children's access to justice. Barriers to effective access to justice including fear, social and cultural stigma and insufficient information, were mentioned, as were lack of appropriate services and trained officials. In this regard, insufficient resources were raised as a consistent concern. The impact of austerity measures and legal aid cuts in developed countries, and their disproportionate effect on children, were also mentioned.

18. States stressed that the justice system had to be tailored to the specific needs of children in order to avoid re-victimization and to protect children from further hardships when seeking remedies. Many States gave examples of how access to justice for children

<sup>2</sup> A/HRC/25/35.

had been integrated at a national level. Initiatives included ombudspersons; help lines; free legal assistance; "web constables" who could be contacted via social media or e-mail for advice and for report information to police; child-friendly rooms in social work centres; complaints boxes in schools; the use of videolinks and closed-circuit television for evidence in judicial hearings; separate tribunals for child offenders with specialized judges; and the provision of alternative non-custodial mechanisms in juvenile justice, including mediation, probation and rehabilitation within the family. States recognized, however, that many national systems needed strengthening, which required an international effort.

#### **D. Concluding remarks**

19. Ms. Poirier pointed out that the right to access to justice for children in the United Nations had also been addressed in the Rule of Law Coordination and Resource Group. In 2008, the Secretary-General had issued a guidance note requesting all agencies to integrate a common approach to this issue into their work. The participation of child rights activists, and of children themselves, was vital in this development. There was still a long way to go to guarantee access to justice to all children, but it was encouraging to see that many States supported protection of children in their criminal, civil and administrative processes.

20. Ms. Poirier recommended that information on access to justice be in child-friendly languages, and could be disseminated in schools where it could be part of wider educational package on rights. For children out of school, actors that were most in contact with vulnerable children, for example workers in social assistance centres, should be involved. She stressed the importance of the role of the family, where children went for trusted information, so information directed at children should be accompanied also by suitable information for the parents.

21. Ms. Winter stated that the impact of the third Optional Protocol to the Convention on the Rights of the Child would be in the medium and long terms, rather than immediate. To make a complaint under the Protocol, children would not have to fill in a form, but could write, draw, send a video message or use other media as appropriate. Apart from this mechanism, the Committee on the Rights of the Child did not have many possibilities for redressing violations of rights, but could write recommendations concerning the violations of States, and publish them electronically, which could be a very powerful tool. She suggested that access to justice would be strengthened by public information campaigns based on inclusion in school curricula and regular visits to schools by police and judges. To ensure that children were always heard in judicial proceedings, laws could be adopted that made any decision void if the child had not participated. She also proposed the use of non-judicial mechanisms for violence in families, and cited hotlines, ombudspersons, teachers of trust and school psychologists as examples. She emphasized that laws granting rights to children should be devised, and mechanisms to protect these rights should be established; but steps also had to be taken to ensure that they were implemented and enforced.

22. Mr. Beah concluded that, in order to ensure access to justice, children had to have advocates that could speak on their behalf when they or their parents could not. In response to a question on ensuring that legal procedures were implemented, he recommended the involvement of legal professionals in the development of tools, as they would be more likely to use tools they had been involved in creating. He recognized the challenges faced by children in their access to justice, and stated that no matter how many rights children had, they had no meaning if no access to effective redress was available.

23. Ms. Ortiz referred to the concern mentioned by some participants about the extent to which society backed the reform that had been the outcome of the Convention and its protocols. It was clear that change had not yet been enough, and there was still much to do;

however, if society did not support the reforms, very difficult situations, backlashes and back-stepping would be the result. There was not enough support by the media, and there were also other issues, such as the security of citizens and violence, that were not appropriately shown. There was a need to work hand-in-hand with civil society, and for everyone to work together to support the efforts of the State. Strengthening families and communities would prevent problems from arising, and assist in protecting children. The recommendations made by the Committee on the Rights of the Child had to be heeded and plans of action to implement them had to be considered. She also highlighted the use of new technologies in ensuring the enjoyment of the right of the child to be heard.

24. In her concluding remarks, the Special Representative of the Secretary-General highlighted the importance of active child participation in the post-2015 development agenda, including child rights ambassadors to put the issue of access to justice at the centre of the discussion. Responding to a question concerning mechanisms for reporting domestic violence and abuse, she suggested that the potential of schools and health centres should never be ignored, and emphasized the importance of access to professionals who were well trained and could refer cases to the system without children having to go directly to court themselves. Access to justice was important when a violation had taken place, but also has an impact before this. Children would always be frightened if they did not understand that there was a system ready to protect and assist them. The main impact of the third Optional Protocol would not be the number of complaints but its impact at the national level and the better protection of children's rights domestically. This would not be achieved if children were unaware of the Protocol: what it was, how it could be used, and how they could have access to institutions. The real indicator of progress would be the most vulnerable children, and ensuring their protection on an equal basis.

### **III. Empowering children to claim their rights**

#### **A. Statements by panellists**

25. The afternoon session focused on the effect of child empowerment on using and claiming their rights. The Ambassador and Permanent Representative of Uruguay to the United Nations Office and other international organizations in Geneva, Laura Dupuy Lasserre, moderated the panel. Presentations were made by the Director-General of the International Development Law Organisation, Irene Khan; the representative of Paralegal Committees of Nepal, Maja Bhandari; the Programme Development Director of Penal Reform International, Nikhil Roy; the President of the International Catholic Child Bureau (Mali), Abraham Bengaly; and the French Children's Defender, Ombudsman for Children and Deputy Ombudsman of France, Marie Derain.

26. Ms. Khan acknowledged that access to justice was a complex and multifaceted issue that concerned procedural and substantive justice. It was particularly crucial for children, who had no vote and no voice in policymaking or in the allocation of resources. Access to justice was often difficult because of poor or inadequate laws, weak institutions and lack of resources; but the failure to listen to children, and the poor understanding of the social, cultural and economic context in which they lived, also contributed. Access to justice implied understanding justice from a child's perspective. Research had showed that, while adults saw justice in terms of formal, administrative or judicial processes, for children it was much broader, and concerned a whole range of decisions that affected them, including questions of family, health, immigration and identity.

27. Ms. Khan advocated for both top-down and bottom-up approaches. Institutions needed to be strengthened, but children and their families also had to be empowered and

informed. It was important to understand local realities, and programmes had to be shaped by those who used them. The challenge ahead for the international community was to mobilize and take practical measures to ensure that children were able to realize their rights and fulfil their true potential, recognizing that access to justice should be tailored to local needs, context-based and responsive to children's needs.

28. Ms. Bhandari stated that there were 23,000 paralegal members in Nepal, all of them women, all of them volunteers. These women were trained to support children's access to justice by detecting incidents of violence and abuse against children, and offering early intervention. It was important to protect children both physically and mentally, and to prevent stigmatization and ostracism. This was done by mobilizing both professional and social support, organizing medical treatment, counsellors and legal aid, as well as helping friends and family to provide comfort and support. Paralegals acted as a bridge between the community and the justice system, and offered impartial and non-partisan assistance. They worked at the grass-roots level to educate citizens about children's rights and access to justice. Ms. Bhandari urged the international community to encourage national Governments to scale up initiatives to ensure children's access to justice, especially at the community level, as this was where support was needed most.

29. Mr. Roy stated that children deprived of their liberty were at a high risk of having their rights violated. Children in care and justice institutions were at a higher risk of violence than almost all other children, and in such settings often had little recourse to justice or effective avenues for registering complaints. Special attention therefore had to be paid to the additional challenges faced in access to justice by those deprived of their liberty. This included access to legal aid, the creation of independent and specialized ombudspersons, and a safe, accessible and child-friendly complaints mechanism. Accessibility required that children be informed of the existence of and process for using complaints mechanisms, and providing children with assistance and legal aid to submit complaints. A safe complaints procedure required confidentiality when complaints were filed, and throughout the procedure. An effective procedure had to deal with complaints without delay, and keep children informed of the process. Every complaint had to trigger an investigation, and children had to have access to complaints mechanisms without fear of stigmatization, harassment or reprisal.

30. Mr. Bengaly stated that the upsurge of violence in Mali had increased abuse and violations of the rights of children; in particular, the use of children in armed conflict had led to the arrest of many juveniles. Children had had to adopt survival strategies to protect themselves, which often put them in conflict with the law. Access to justice for such children was difficult, particularly given the complex nature of the judicial system. There were no juvenile courts outside the capital, and procedures moved slowly. Sociocultural obstacles persisted; once in conflict with the law, children could be abandoned because of the shame felt by their family, and bear a stigma within the community once released from prison. Those factors made it difficult for children to turn to the courts, so it had become only a last resort, when other means had been exhausted. In a post-crisis country, Mr. Bengaly advocated for the promotion of restorative justice to increase the possibility of assisting children in conflict with the law.

31. Ms. Derain stated that, very often, children were excluded from the justice system because it was impossible for them to know their rights or to realize them themselves. The task of the ombudsman was to ensure the best interests and rights of the child as enshrined in the law and international treaties ratified or approved by France. The children's ombudsman could be an alternative means of conflict settlement, particularly suited to vulnerable children. It could be an alternative to the courts, and had many powers, including investigation to make it possible to present all relevant information for the court, as well as conducting hearings. It also had the ability to propose legislative reform and to

submit observations to a jury; however, it could not call into question a court's decision. The purpose was to render more humane the relationship between citizens and public authorities; mediate rather than sanction, reparation rather than fault and punishment.

## **B. Plenary discussion**

32. During the afternoon panel discussion, representatives of the following States and organizations took the floor: the European Union, Norway, El Salvador, Spain, Sri Lanka, Slovenia, Switzerland, Honduras, Ireland, Nepal, the Council of Europe, Monaco, Argentina, Namibia, the United States of America, Saudi Arabia, Libya, Romania, the Russian Federation, Indonesia, Maldives, India, Mexico, Egypt, Malaysia, Brazil, Uruguay, Morocco and South Africa. Representatives of the NGO Group for the Convention on the Rights of the Child, the International Catholic Children's Bureau, the Centre for Inquiry, the Ombudsman of Colombia, the Iranian Elite Research Centre and the National Human Rights Commission of Canada also took the floor.

33. During the interactive dialogue, Member States emphasized that there was a need to think about how children were viewed and treated: they should be recognized as holders of their own rights, and legally empowered to defend them. The importance of article 12 of the Convention on the Rights of the Child was noted, and it was stressed that States should ensure an enabling environment for the voice of the child to be heard. In this respect, States reiterated the importance of providing information to children in a form suited to their needs. It was recognized that children had to be aware of their rights to be able to promote them, and to stand up for them, and an international campaign was advocated to that end. Participants noted that it was necessary to find innovative, creative and accessible ways to ensure that children had access to and were aware of information. Several examples of national practices were given, including the creation of a teaching toolkit; child-friendly brochures to prepare children to participate in court processes and inform them about the role and function of courts; and raising awareness of rights through street plays and door-to-door visits. Some States indicated that empowering and enabling children to have access to justice was fundamental for child protection.

34. Many States highlighted the continued challenges facing children in gaining access to justice. It was noted that solid legislation was based on objective and comparable data, which were not available in this field, making it difficult to assess fully the extent to which children had access to justice. Lack of training was identified by States as a serious issue, with many noting the need for greater training of judges, prosecutors and law enforcement officers. Accountability was also identified as an important factor in ensuring access to justice. The need for independent national, regional and international monitoring mechanisms was mentioned to ensure the effective promotion of rights.

35. Restorative justice was an important theme addressed by many participants, and States noted the importance of encouraging alternative mechanisms, such as diversion, community-based programmes, mediation and non-custodial sentences for children in conflict with the law. It was mentioned that restorative justice instilled a sense of responsibility in the child, created social balance and allowed the child to reintegrate into the community.

## **C. Concluding remarks**

36. Ms. Khan stressed the importance of recognizing that access to justice involved not only children accused of crimes but also children who were victims of violations of their rights. She highlighted the opportunity presented by the post-2015 development

agenda to draw attention to the issue of access to justice, in particular concerning data collection. In relation to the provision of information to children, Ms. Khan recognized that children did not always feel confident about talking to institutions and officials, and often looked to those with whom they had a familiar relationship to obtain information. Information designed for children, by children, would have a greater impact, and there was a need to be talking to children about how they would like information to be provided.

37. In conclusion, Ms. Khan stressed the importance of capacity-building, and the development of State institutions and service providers to provide support for children in their access to justice. Customary and informal justice systems were often more accessible to children, especially those living in poverty; it was therefore necessary to engage more with these systems and ensure that they met international standards.

38. Ms. Bhandari highlighted the immense contribution made by paralegal committees in increasing access to justice for women and children in rural Nepal. These workers were on the frontline of making sure that people were aware of their rights, helping them demand access to justice, and making institutions more accountable. She noted that the task was a large one, and urged States for their support.

39. Mr. Roy urged the use of prevention strategies, especially those involving community-based interventions that allowed social workers and counsellors to work with children at an early stage. He pointed out that UNICEF and the United Nations Office on Drugs and Crime had produced a set of indicators to help to collect data on issues relating to justice, and indicated that they should be more widely known and used. With regard to capacity-building and training, he stated that e-courses were being piloted that could reach a wider audience than ever before. Children were now using social media in a way that was unthinkable a few years earlier, and there was a need to be able to engage with children where they were already talking and working.

40. Mr. Roy set out several measures that would help children gain access to justice and increase the effectiveness and fairness of justice systems. They included increasing the minimum age of criminal offences and abolishing status offences; eliminating inhuman sentencing, such as the death penalty, life imprisonment, solitary confinement and the beating of children in the criminal justice system; increasing the range of non-custodial sentences and developing restorative-based justice; strengthening independent monitoring mechanisms; and investing in rehabilitation and reintegration programmes.

41. Mr. Bengaly discussed the role of informal and traditional justice, and the difficulty of reconciling social and cultural traditions with the fundamental principles contained in international instruments. In this respect, he referred to the importance of raising awareness among community leaders and traditional communicators who were involved in seeking solutions for children. Mediation and conciliation should be the priority, and restorative justice was vital to ensure that the child could reintegrate into his or her family and community. Mr. Bengaly recognized the need to strengthen legal and judicial aid to ensure access to justice, and the importance of capacity-building for all stakeholders to create a protective environment for children.

42. Ms. Derain acknowledged the problem of data collection, noting that it was unclear in France how many children were involved in divorce proceedings, or how many of them were interviewed by a judge. Children should be aware of their right to speak to a judge and to raise any issue they wished. She proposed that when children were involved in court proceedings, special brochures and child-friendly materials

should be made available. Ms. Derain referred to the provision of ad hoc administrators for children as legal guardian in legal proceedings, and called for a clarification of their tasks and a greater awareness of their role, as they could be true representatives of children and defenders of their interests, particularly when children's interests were in conflict with those of their parents.

43. Ms. Derain outlined the responses of children to a consultation regarding access to justice, in which children stressed their need to be protected, heard and heeded. Respondents pronounced a great deal of trust in judges and the people who help them. She concluded by emphasizing her view that the question of heeding children's voices was a question of the ability of children to change their situation. It was the responsibility of the justice system, but also of all adults, to ensure that they could speak out.

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